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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/289,305	04/09/1999	GLENN BEGIS	10559/008001	8436

20985 7590 07/11/2002

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EXAMINER

ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 07/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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7590 06/10/2002

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Office Action Summary

Application No.

09/289,305

Applicant(s)

BEGIS, GLENN

Examiner

Ronald Abelson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-17 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,11-14,18,19,21-27,29 and 30 is/are rejected.
- 7) ☒ Claim(s) 3,4,9,10,20, and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1 - 2, 5-8, 11 - 14, 18, 19, 21 - 27, 29, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Cruickshank (US 6,389,005).

Regarding claims 1, 11 - 14, 18, 19, 21 - 24, and 30, Cruickshank teaches a method and apparatus for establishing a connection across a first communication network that carries audio/voice signals (fig. 1 box 12, 14, 44, 24 22, col. 2 lines 27 - 30). Cruickshank performs an equivalent function to encoding a computer network address for a specified network different from the first network into an encoded network address and sending the encoded network address across the first

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network. The equivalent function is performed by repetitively querying look-up tables for the destination node (abstract). Both equivalent functions are performed in order to route a call across another network. Once these equivalent functions are performed, both the applicant and Cruickshank establish a network connection on said second network (the call is then routed back to the alternative service, abstract). Note, in Cruickshank, the original connection may be the PSTN. This happens when no alternatives to the PSTN are available for making the original connection. The second connection is made as soon as the system determines an alternative connection is available.

Regarding claim 2, the first network is a voice telephone network (fig. 1 box 44).

Regarding claims 5 and 6, the second network comprises the Internet (fig. 1 box 42).

Regarding claim 7, there must be a port address for the Internet (fig. 1 box 42) to connect with the PBX and telephone (fig. 1 box 24 and 22).

Regarding claim 8, the system allows for changing the connection path from Internet to PSTN (col. 2 lines 32 - 59).

Regarding claims 26 and 29, a crossbar switch (fig. 1 box 14, fig. 2 box 14, col. 1 lines 57 - 63). The switch comprises a

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plurality of input ports (fig. 2 elements 58), where one input port is coupled to an audio source (fig. 1 box 12); a plurality of output ports (fig. 2 elements 60), where one output port is coupled to a telephone network (fig. 1 box 44), one output port is coupled to a computer network (fig. 1 box 42), and one output port is coupled to a computer (fig. 1 box 40); and a control element (fig. 2 box 52).

Regarding claim 25, in addition to the limitations listed in claims 26 and 29, at least one analog and one digital input port (fig. 1 box 12). Note modern telephones may be analog or digital. In addition, Cruickshank teaches at least one analog and one digital output port (fig. 1 box 44, 42), and a processor which generates digital signals (fig. 2 box 52); at least one analog input channel (analog phone, fig. 1 box 12); at least one digital channel (digital phone, fig. 1 box 12A); at least one analog output channel (fig. 1, connection to box 44); at least one digital output channel (fig. 1, connection to box 42); the control element is adapted to control which of the ports are active (PBX 14, col. 2 lines 32 - 59).

Regarding claim 27, the audio source is a telephone (fig. 1 box 12).

Allowable Subject Matter

1. Claims 15-17 are allowed.
2. Claims 3-4, 9-10, 20, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 3-4, nothing the prior art teaches or fairly suggests encoding the network address using dual tone multi-frequency signals nor appending the encoded network address to the telephone network signaling data in combination with the other limitations of the claims. Regarding claims 9-10, 15-17, and 20, nothing the prior art teaches or fairly suggests encryption in combination with the other limitations of the claim. Regarding claim 28, the reference of record teaches terminating a telephone conversation when changing the connection to the computer network/internet.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

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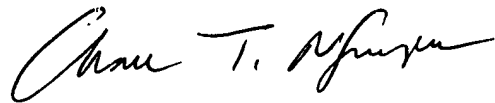
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

RA
Ronald Abelson
Examiner
Art Unit 2663

RA

June 7, 2002



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600